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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,946	09/835,946 04/16/2001		KRISTOFER E. ELBING	KEE-0014	7924
26653	7590	10/04/2005		EXAM	INER
KRISTOFE			SAX, STEVEN PAUL		
187 PELHAM ISLAND ROAD WAYLAND, MA 01778				ART UNIT	PAPER NUMBER
			•	2174	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<u></u>							
	Application No.	Applicant(s)					
Office Action Summary	09/835,946	ELBING ET AL					
Office Action Summary	Examiner	Art Unit					
The MAILING DATE of this communication	Steven P. Sax	2174					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR F WHICHEVER IS LONGER, FROM THE MAILII - Extensions of time may be available under the provisions of 37 of after SIX (6) MONTHS from the mailing date of this communicate. - If NO period for reply is specified above, the maximum statutory. - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUNIC CFR 1.136(a). In no event, however, may a re on. period will apply and will expire SIX (6) MON statute, cause the application to become AB	CATION. Peply be timely filed THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on	<u>11 July 2005</u> .						
	2a)⊠ This action is FINAL . 2b)□ This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4)⊠ Claim(s) <u>26,28,39 and 41-52</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>26,28,39 <i>and 41-52</i></u> is/are rejected.							
	7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction	and/or election requirement.						
Application Papers		,					
9)☐ The specification is objected to by the Examiner.							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:							
1.☐ Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)		_					
1) Notice of References Cited (PTO-892)	4) 🔲 Interview S	ummary (PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/S Paper No(s)/Mail Date	6) Other:						
U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05) Off	ice Action Summary	Part of Paper No./Mail Date 19					

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DETAILED ACTION

- 1. This application has been examined. The amendment filed 7/11/05 has been entered.
- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 26,28,39 and 41-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al (5880714) and Braun et al (6300936).
- 4. Regarding claim 26, see in Rosenberg et al the computer system with processor and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing device with position sensor having an output line and tactile actuator having an input line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to the pointing device driver which is in turn responsive to the output line (column 4 lines 40-55, column 6 lines 40-50), an application responsive to the pointing device driver and operating system and communicating with the display, and wherein the driver is responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract).

Rosenberg et al do not go into the details of plural applications, with a plurality of application specific profile elements for the applications that define tactile signals to the actuator when interacting with the corresponding applications, or the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, but do show the application responsive to the driver and defining tactile signals to an actuator application for efficient user feedback (aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (Figures 5, 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column 19 lines 27-31, column 20 lines 5-12), for efficient user feedback. It would have been obvious to a person with ordinary skill in the art to have the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (and note that some of the profile elements in Braun et al are based on cells containing a single alphanumeric character - the mapping to a numeric value column 9 lines 25-39, the pixel mapping column 44 lines 14-30), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, in Rosenberg et al because it would provide efficient user feedback.

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5. Regarding claim 28, in addition to that mentioned for claim 26, the application specific profile elements in Braun et al correspond to classes of the applications supported by the computer system (column 20 lines 7-22). This then being in Rosenberg et al follows from the obviousness stated in paragraph 4 of this Office Action.

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- 6. Regarding claim 39, in addition to that mentioned for claim 26, note that a second actuation is sent in response to receiving signals during interaction with a second application, just as in the same procedure as with the first actuation (Braun column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then being present in Rosenberg et al follows from the obviousness stated in paragraph 4 of this Office Action.
- 7. Regarding claim 41, the profile elements map interactions with single alphanumeric characters to tactical impulses (as shown in Braun column 9 lines 25-39, the pixel mapping column 44 lines 14-30. The obviousness to have this in Rosenberg et al follows from paragraph 4 of this Office Action).
- 8. Regarding claim 42, the tactical impulses are sent to the actuator in the form of analog pulses (column 3 lines 22-32, column 4 lines 25-46).

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9. Regarding claim 43, the profile elements map movement from character to the

next to a tactical signal (Braun column 9 lines 25-39, column 17 lines 30-45, column 44

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lines 14-30). The obviousness to have this in Rosenberg et al then follows from

paragraph 4 of this Office Action.

10. Regarding claim 44, Braun shows a text based class (column 9 lines 25-39,

column 44 lines 14-30). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

11. Regarding claim 45, Braun also shows unknown applications are included

(column 19 lines 20-43). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

12. Regarding claim 46, see in Rosenberg et al the computer system with processor

and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing

device with position sensor having an output line and tactile actuator having an input

line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to

the pointing device driver which is in turn responsive to the output line (column 4 lines

40-55, column 6 lines 40-50), an application responsive to the pointing device driver and

operating system and communicating with the display, and wherein the driver is

responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract).

Rosenberg et al do not go into the details of plural applications, with a plurality of

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application specific profile elements for the applications that define tactile signals to the actuator when interacting with the corresponding applications, or the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, but do show the application responsive to the driver and defining tactile signals to an actuator application for efficient user feedback (aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (Figures 5. 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column 19 lines 27-31, column 20 lines 5-12) and deriving some of the profile elements by a driver as the computer operates (column 12 lines 45-65, column 16 lines 35-48), for efficient user feedback. It would have been obvious to a person with ordinary skill in the art to have the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications, as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, in Rosenberg et al because it would provide efficient user feedback. Note that a second actuation is sent in response to receiving signals during interaction with a second application, just as in the same procedure as with the first actuation (Braun

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column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then being present in Rosenberg et al follows from the obviousness stated above.

- 13. Regarding claim 47, some of the elements are derived from scanning part of a window (Rosenberg et al column 4 lines 40-55, column 6 lines 40-50).
- 14. Regarding claims 48-49, some of the elements are derived from applying statistical tests to screen display information (Rosenberg et al column 3 lines 20-30, column 4 lines 40-55, column 6 lines 40-50).
- 15. Regarding claim 50, see in Rosenberg et al the computer system with processor and operating system and display (Figure 1, 2A, column 3 lines 10-20), the pointing device with position sensor having an output line and tactile actuator having an input line (column 3 lines 22-32, column 4 lines 25-46), wherein the input line is responsive to the pointing device driver which is in turn responsive to the output line (column 4 lines 40-55, column 6 lines 40-50), an application responsive to the pointing device driver and operating system and communicating with the display, and wherein the driver is responsive to a general purpose application (column 5 lines 1-22 and 33-42, abstract). Rosenberg et al do not go into the details of plural applications, with a plurality of application specific profile elements for the applications that define tactile signals to the actuator when interacting with the corresponding applications, or the configuration module to present pointing device configuration controls including controls for accessing

application specific profile elements, but do show the application responsive to the driver and defining tactile signals to an actuator application for efficient user feedback (aforecited, also column 8 lines 1-11). Furthermore, Braun et al show the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications (Figures 5, 9, 12, column 3 lines 30-59, column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43), as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements (column 9 lines 5-25, column 12 lines 45-65, column 16 lines 35-48, column 19 lines 27-31, column 20 lines 5-12), and wherein some of the elements correspond to classes of applications supported by the computer (column 20 lines 7-22), for efficient user feedback. It would have been obvious to a person with ordinary skill in the art to have the plurality of applications, and with the specific profile elements for applications that define tactile signals to the actuator when interacting with the corresponding applications, as well as the configuration module to present pointing device configuration controls including controls for accessing application specific profile elements, in Rosenberg et al because it would provide efficient user feedback. Note that a second actuation is sent in response to receiving signals during interaction with a second application, just as in the same procedure as with the first actuation (Braun column 4 lines 20-32, column 6 lines 29-40, column 8 lines 10-22 and 35-43). This then being present in Rosenberg et al follows from the obviousness stated above.

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16. Regarding claim 51, Braun shows a text based class (column 9 lines 25-39,

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column 44 lines 14-30). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

17. Regarding claim 52, Braun also shows unknown applications are included

(column 19 lines 20-43). This then being in Rosenberg et al follows from the

obviousness in paragraph 4 of this Office Action.

18. Applicant's arguments filed have been fully considered but they are not

persuasive. The description of the invention is noted. Regarding claim 26, Braun in fact

does show the application specific profile elements based on cells that contain textual,

or alphanumeric characters. The cells upon which the elements are based do contain

text. And the combination of Rosenberg et al and Braun do in fact show the invention

as claimed, and the single textual characters are mentioned and relevant. Column 9

lines 25-39 of Braun does bring out a form of mapping, and in combination the two

references show the claimed features. Regarding claim 28, again please note that

Braun does address the different classes of applications. Regarding claim 46, note that

these features are shown in the art as described above. Applicant is invited to contact

the Examiner at 571-272-4072 to discuss claim interpretation.

19. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVEN COX